

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-20 are presently active in this case. The present Amendment amends Claims 14-20 without introducing any new matter.

The outstanding Office Action rejected Claims 15 and 17-20 under 35 U.S.C. §102(e) as anticipated by Anttila (U.S. Patent No. 6,370,394, herein "Anttila '394"). Claims 1-3, 5, 7-12, 14 and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Anttila '394 in view of Anttila et al. (U.S. Patent Publication No. 2003/0114224, herein "Anttila '224"). Claim 4 was rejected under 35 U.S.C. §103(a) as unpatentable over Anttila '394 in view of Anttila '224, in further view of Jungck (U.S. Patent Publication No. 2005/0021863). Claim 6 was rejected under 35 U.S.C. §103(a) as unpatentable over Anttila '394 in view of Anttila '224, in further view of Taguchi et al. (U.S. Patent No. 6,148,253, herein "Taguchi"). Claim 13 was rejected under 35 U.S.C. §103(a) as unpatentable over Anttila '394 in view of Anttila '224, in further view of Tanaka et al. (U.S. Patent Publication No. 2001/0025275, herein "Tanaka")

In response to the rejection of Claims 1-3, 5, 7-12, 14 and 16 under 35 U.S.C. §103(a), Applicants respectfully traverse the rejection and request reconsideration of the rejection, as next discussed.

Briefly summarizing, Claim 1 relates to a system for providing a content. The system includes, *inter alia*, communication means including a subscriber telephone network for establishing communication with a multi-function mobile telephone; and a content providing apparatus for providing content, the content providing apparatus including a memory; wherein the memory of the content providing apparatus is for storing a variety of statuses of the multi-function mobile

telephone by a unique ID code and ***for storing progress of current game playing***, so that if a game is suspended during operation, ***the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus***.

Applicants respectfully submit that both references, Anttila '394 and Anttila '224, taken in any proper combination, fail to teach or suggest all the features of Applicants' Claim 1.

In particular, and as acknowledged by the outstanding Office Action,¹ Anttila '394 fails to teach or suggest the features regarding storing a variety of statuses and storing progress of current game playing, as recited in independent Claim 1.

The outstanding Office Action rejects Applicants' Claims 1-3, 5, 7-12, 14 and 16 based on the proposition that Anttila '224 discloses the above feature,² and that it would have been obvious to modify Anttila '394 by importing this feature from Anttila '224 to arrive at Applicants' Claim 1 features. Applicants respectfully submit, however, that Anttila '224 also fails to teach or suggest the above Claim 1 features, namely that the memory is "... for storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus."

The outstanding Office Action relies on Anttila '224's text at page 2, paragraph [0017], and page 3, paragraph [0030]. In these passages, Anttila '224 explains that the real time output 119 indicates status of active games, and such information may include branch information, time limit information, and demographical information of various players.

¹ See the outstanding Office Action at page 5, lines 9-14.

² See the outstanding Office Action at page 5, lines 15-17.

Anttila '224 also describes that the output 119 is used to display game status to various users, for example on a television, computer, monitor, or on a webpage of the internet.³ Accordingly, in Anttila '224, real-time output information 119 is for **display purposes**, to inform other users on the status of a game. As a fact, Anttila '224 fails to teach or suggest the memory for storing progress of current game playing, so that "the game may be resumed at a point of suspension by re-accessing the memory of the content providing apparatus." Accordingly, a database with output information 119 to display real-time status of a game currently played, as taught by Anttila '224, is not a memory for storing progress of current game playing, so that if a game is suspended during operation, the game may be resumed at a point of suspension, as recited in Applicants' Claim 1.

Even the position that Anttila '224's distributed game over a wireless telecommunications network could possibly be modified to arrive at Applicants' system for providing content is insufficient to establish a *prima facie* case of obviousness.⁴

Accordingly, even if we assume that the combination of Anttila '394 and Anttila '224 is proper, the combination fails to teach or suggest the features regarding the memory for storing progress of current game playing. The remaining references Jungck, Taguchi, and Tanaka are also silent on such a feature. Accordingly, Applicants respectfully request reconsideration of the rejection of Claims 1-14 and 16 under 35 U.S.C. §103(a).

³ See Anttila '224 at page 3, paragraph [0030], lines 3-14.

⁴ See MPEP 2143.01 stating that the "fact that references can be combined or modified is not sufficient to establish *prima facie* obviousness"; see also same section stating "[a]lthough a prior art device 'may be capable of being modified to run the way the apparatus is claimed, there must be a suggestion or motivation in the reference to do so,'" (citation omitted).

Independent Claim 9 recites features analogous to the features recited in independent Claim 1. Accordingly, for the reasons stated above for the patentability of Claim 1, Applicants respectfully submit that the rejections of Claim 9, and the rejections of all associated dependent claims, are also believed to be overcome.

In response to the rejection of Claims 15 and 17-20 under 35 U.S.C. §102(e), Claims 15 and 17-20 are amended to recite features similar to the features that are believed to be patentably distinguishable over the applied references, in the context of a relay apparatus (Claims 15), method claims (Claims 17-18), storage medium claim (Claim 19), and a system claim (Claim 20). Independent Claims 14 and 16 are amended accordingly. In light of the amendments to Claims 15 and 17-20, and in view of the above arguments, Applicants believe that the rejection under 35 U.S.C. §102(e) is overcome.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance for Claims 1-20 is earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he telephone Applicant's attorney at (908) 654-5000 in order to overcome any additional objections


Application No.: 10/027,561

Docket No.: SCEI 3.0-109

which he might have. If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: September 15, 2006

Respectfully submitted,

By 

Nikolaus P. Schibli

Patent Agent

Registration No.: 56,994

LERNER, DAVID, LITTENBERG,

KRUMHOLZ & MENTLIK, LLP

600 South Avenue West

Westfield, New Jersey 07090

(908) 654-5000

Attorney for Applicant

691321_1.DOC